

September 10, 2007
Seven o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, September 10, 2007, was called to order at 7:00 p.m. by the honorable MURRY WITCHER, acting mayor. The roll having been called, and the following Aldermen answered to their names: NEIL BRYANT, DEBI ROSS, LINDA ROBINSON, OLEN THOMAS, CARY GAINES, JOHN PARKER, CHARLIE HIGHT, and MURRY WITCHER a quorum was declared (8/0). City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The invocation was given by Alderman Bryant, followed by the pledge of allegiance to the flag which was led by Alderwoman Ross.

On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the minutes of a regular council meeting held on *Tuesday*, August 28, 2007, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderwoman Robinson and seconded by Alderman Hight, and by consent of all members present, communications # 2, 3, 4 and 8 were accepted and filed (8/0).

2. Charlotte Thomas, Mayor's Office memorandum re: *replacement* retail beer off premises permit for Solomon (fka) In and Out Food Mart, 2500 Old Jacksonville Highway, by Soon Iee Park.
3. Charlotte Thomas, Mayor's Office memorandum re: *transfer of location*, AR National Guard M W & R Fund, Inc., port exchange package and small farm winery - retail - transfer of location from Camp Robinson Building # 5400 Post Exchange 1 and RW-296 to Camp Robinson Building # 5305, by Jack Scarbrough.
4. Charlotte Thomas, Mayor's Office memorandum re: *transfer of location*, Military Service Club mixed drink - Rock Lounge from Camp Robinson, Building #5400 to Camp Robinson Building #5305, by Jack Scarbrough.
8. Becky Taylor, Mayor's Office - letter from Todd Turner, Arnold, Batson, Turner and Turner, P.A., Attorney's at Law re: payday lenders.

On the motion of Alderwoman Robinson and seconded by Alderman Hight, and by consent of all members present, communication #1 was read, accepted and filed (8/0).

1. Nathan W. Brandes, Spokesperson - Lakewood Northeast / Lakewood Heights Property Owners (LNHPO) letter re: public challenge SPR-2042-07 and petition contain 40 signatures requesting "no" vote changing current R-1 zoning to allow a parking lot. (Note: additional signatures were turned in this date. Another group of petitions was retrieved from the Mayor's Office - total signatures (per Mr. Brandes) 204.

On the motion of Alderman Gaines and seconded by Alderwoman Robinson, and by consent of all members present, communication #5 was read, accepted and filed (8/0).

5. Mayor Hays letter to Mr. Rick McComber, Postmaster re: request placement of mail boxes on south side of Highway 165.

On the motion of Alderman Hight and seconded by Alderman Gaines, and by consent of all members present, communication #6 was read, accepted and filed (8/0).

6. Mayor Hays letter to Diane Whitbey City Clerk and Collector and City Council members re: out of office, Monday, September 10, 2007, attending the Sundance Summit in Salt Lake City. Alderman Murry Witcher will preside over City Council meeting.

On the motion of Alderman Hight and seconded by Alderman Parker, and by consent of all members present, communication #7 was read, accepted and filed (8/0).

7. Becky Taylor, Mayor's Office - News Release from Central AR Water to water customers between North Little Rock and Pulaski County's MacArthur Drive area between Knights of Columbus Road and Kelley Crossing under precautionary boil order.

Acting Mayor Witcher announced the Special Call scheduled for 7:05 p.m., September 10, 2007.

September 7, 2007

Honorable Members of the City Council

Re: Special Council Meeting

Dear Members of the City Council:

This is to advise that we have called a special Council meeting of the North Little Rock City Council for 7:05 p.m. on September 10, 2007, at City Hall, Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) A RESOLUTION APPOINTING AND CONFIRMING COMMISSIONERS AND ASSESSORS FOR THE SMARHOUSE WAY CENTRAL BUSINESS IMPROVEMENT DISTRICT NO. 27; AND FOR OTHER PURPOSES.
Sponsored by: Mayor Patrick H. Hays
- 2) AUTHORIZING THE MAYOR AND NORTH LITTLE ROCK FIRE CHIEF TO ENTER INTO AN INFORMAL AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF NORTH LITTLE ROCK AND THE TOWNSHIP OF SCOTT; AND FOR OTHER PURPOSES.
Sponsored by: Mayor Patrick H. Hays

Respectfully submitted,
/s/ Patrick H. Hays
MAYOR PATRICK H. HAYS

The law requires that you be notified of the time, place and subject matter of any specially called Council meeting. This notice does not require any special written formalities or waivers on your behalf, unless you are notified within a 24-hour period prior to the special meeting.

It is requested that each of you sign the cover letter simply to indicate that you have been informed of the nature and time of the meeting. However, please be aware that your signature is not required unless a period of less than 24 hours remains before the designated time for the meeting and you have not previously received notice.

This will evidence that I have received this notice of a special Council meeting for 7:05 p.m., Monday, September 10, 2007, at City Hall, Council Chambers, North Little Rock, and waive time of notice.

/s/ Neil Bryant
NEIL BRYANT

/s/ Cary Gaines
CARY GAINES

/s/ Debi Ross
DEBI ROSS

/s/ John Parker
JOHN PARKER

/s/ Olen Thomas
OLEN THOMAS

/s/ Murry Witcher
MURRY WITCHER

/s/ Linda Robinson
LINDA ROBINSON

/s/ Charlie Hight
CHARLIE HIGHT

SPECIAL CALL 1 (RESOLUTION NO. 7154 - MAYOR HAYS)

A RESOLUTION APPOINTING AND CONFIRMING COMMISSIONERS AND ASSESSORS FOR THE SMARTHOUSE WAY CENTRAL BUSINESS IMPROVEMENT DISTRICT NO. 27; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0).

SPECIAL CALL 2 (RESOLUTION NO. 7155 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND NORTH LITTLE ROCK FIRE CHIEF TO ENTER INTO AN INFORMAL AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF NORTH LITTLE ROCK AND THE TOWNSHIP OF SCOTT; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Parker and seconded by Alderman Gaines, and by consent of all members present, the resolution was unanimously adopted (8/0).

Mayor Witcher invited Ms. Jan Scholl, Mayor's Youth Council Director to come forward. Ms. Scholl introduced Jason Gillard, Angela Metcalf and Shelby Underwood who each spoke regarding their experiences while attending Ourtown (fka Anytown) recently and thanked the city and council for allowing them the opportunity. During the camp, the youth learned about many topics, including tolerance and acceptance of others.

Mayor Witcher convened a public hearing at 7:25 p.m. regarding O-07-73. There being no one else wishing to be heard, the public hearing was adjourned. The legislation was then called.

O-07-73 (ORDINANCE NO. 7984 - ALDERMEN ROSS, BRYANT, GAINES AND PARKER) AN ORDINANCE AMENDING SECTION 11.9 (CAMP ROBINSON ROAD SIGN OVERLAY DISTRICT) TO CHANGE THE DISTRICT BOUNDARIES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time August 13, 2007, was read a second time August 28, 2007 and held. A public hearing was held this date (see above). The ordinance was read a third and final time and on the motion of Alderman Bryant and seconded by Alderman Gaines, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

Mayor Witcher convened a public hearing at 7:25 p.m. regarding O-07-77. Mr. Michael Rowett lives in North Little Rock and is Chairman of Arkansans Against Payday Lenders. North Little Rock has a large percentage of payday lender type businesses. Mr. Rowett asked the city to pass this legislation. Mr. Mark Johnson said payday lenders charge excessive interest rates. Litigation is pending to declare such businesses as unconstitutional. Hazel Lynch was a victim of payday lenders. She borrowed money from a payday lender and was caught in the trap. She lost her job and couldn't repay the loan on time. The lenders harassed her, her family and neighbors. Ms. Janet Robb is President and CEO of the Better Business Bureau. She advised these businesses do not meet the basic ethical conduct standards required by the Better Business Bureau and encouraged the council to support this legislation. Mr. Hank Klein is the Founder of Arkansans Against Payday Lenders. Last year a law was enacted to protect people serving in the military by providing a set interest rate for payday loans. However, this does not include rates for everyone else. There being no one else wishing to be heard, the public hearing was adjourned at 7:34 p.m.. The legislation was then called.

O-07-77 (ORDINANCE NO. 7985 - MAYOR HAYS) AN ORDINANCE DECLARING A MORATORIUM ON NEW CHECK CASHING BUSINESSES IN NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times, August 28, 2007 and held. A public hearing was held this date (see above). Alderwoman Ross asked if 24 months was excessive. Mr. Carter said a shorter period of time may be more defensible. Alderman Hight asked if the language in Section 1: (c) was needed. Mr. Carter said it needed to be included. Alderwoman Robinson said it takes time to conduct research, etc. and asked who would do it. Mr. Robert Voyles, Planning Director advised his department would conduct the research. The ordinance was read a third and final time. A motion to adopt was made by Alderman Gaines and seconded by Alderwoman Robinson. Alderwoman Ross made a motion which was seconded by Alderman Bryant to amend as follows:: *Section 1: strike through (24) and insert 12; and in Section 1: (a) strike through (20) and insert (10)*. On the motion to amend, the following members voted yes: Bryant and Ross, and the following members voted no: Robinson, Thomas, Gaines, Parker, Hight and Witcher, therefore the motion failed (2/6). On the previous motion of Alderman Gaines and

seconded by Alderwoman Robinson, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

UNFINISHED BUSINESS

O-07-79

AN ORDINANCE CREATING THE REDEVELOPMENT DISTRICT OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS #4 ("ARGENTA REDEVELOPMENT DISTRICT") PURSUANT TO ARK. CODE ANN. § 14-168-301 ET SEQ., SPECIFICALLY INCLUDING WITHOUT LIMITATION ARK. CODE. ANN. § 14-168-305, DESIGNATING THE BOUNDARIES OF SUCH PROPOSED REDEVELOPMENT DISTRICT AND ESTABLISHING A SPECIAL FUND FOR THE REVENUE AND EXPENDITURES GENERATED ON ACCOUNT OF SUCH REDEVELOPMENT DISTRICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time August 28, 2007, was read a second time and held by acting Mayor Witcher. A public hearing will be held, Monday, September 24, 2007, at 7:05 p.m.

O-07-80

AN ORDINANCE CREATING THE REDEVELOPMENT DISTRICT OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS #5 ("MAPLE REDEVELOPMENT DISTRICT") PURSUANT TO ARK. CODE ANN. § 14-168-301 ET SEQ., SPECIFICALLY INCLUDING WITHOUT LIMITATION ARK. CODE. ANN. § 14-168-305, DESIGNATING THE BOUNDARIES OF SUCH PROPOSED REDEVELOPMENT DISTRICT AND ESTABLISHING A SPECIAL FUND FOR THE REVENUE AND EXPENDITURES GENERATED ON ACCOUNT OF SUCH REDEVELOPMENT DISTRICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time August 28, 2007, was read a second time and held by acting Mayor Witcher . A public hearing will be held Monday, September 24, 2007, at 7:05 p.m.

O-07-81

AN ORDINANCE CREATING THE REDEVELOPMENT DISTRICT OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS #6 ("MAIN REDEVELOPMENT DISTRICT") PURSUANT TO ARK. CODE ANN. § 14-168-301 ET SEQ., SPECIFICALLY INCLUDING WITHOUT LIMITATION ARK. CODE. ANN. § 14-168-305, DESIGNATING THE BOUNDARIES OF SUCH PROPOSED REDEVELOPMENT DISTRICT AND ESTABLISHING A SPECIAL FUND FOR THE REVENUE AND EXPENDITURES GENERATED ON ACCOUNT OF SUCH REDEVELOPMENT DISTRICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time August 28, 2007, was read a second time and held by acting Mayor Witcher . A public hearing will be held Monday, September 24, 2007, at 7:05 p.m.

O-07-82

AN ORDINANCE CREATING THE REDEVELOPMENT DISTRICT OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS #7 ("BROADWAY REDEVELOPMENT DISTRICT")

PURSUANT TO ARK. CODE ANN. § 14-168-301 ET SEQ., SPECIFICALLY INCLUDING WITHOUT LIMITATION ARK. CODE. ANN. § 14-168-305, DESIGNATING THE BOUNDARIES OF SUCH PROPOSED REDEVELOPMENT DISTRICT AND ESTABLISHING A SPECIAL FUND FOR THE REVENUE AND EXPENDITURES GENERATED ON ACCOUNT OF SUCH REDEVELOPMENT DISTRICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time August 28, 2007, was read a second time and held by acting Mayor Witcher. A public hearing will be held Monday, September 24, 2007, at 7:05 p.m.

O-07-84

AN ORDINANCE RESTRICTING THE PARKING AND STORAGE OF HEAVY VEHICLES IN RESIDENTIAL AND COMMERCIAL AREAS, DECLARING AN EMERGENCY AND OTHER PURPOSES, was read one time August 28, 2007, was read a second time and held by the sponsor, Alderman Gaines.

NEW BUSINESS

R-07-113 (RESOLUTION NO. 7156 - MAYOR HAYS)

A RESOLUTION APPOINTING CHANDRA MARTIN TO THE UNEXPIRED TERM OF MATT CHANDLER ON THE NORTH LITTLE ROCK PARKS AND RECREATION COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Bryant and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-07-114 (RESOLUTION NO. 7157 - MAYOR HAYS)

A RESOLUTION AMENDING ELIGIBILITY REQUIREMENTS FOR THE DOWN PAYMENT ASSISTANCE PROJECT OF THE NORTH LITTLE ROCK COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; AND FOR OTHER PURPOSES, was read. Ms. Mary Beth Bowman, Director of Community Development said this would expand the program to include the entire city. On the motion of Alderman Bryant and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0).

O-07-88

AN ORDINANCE ADOPTING A NUISANCE ABATEMENT AND PROPERTY MAINTENANCE CHAPTER AS PART OF THE NORTH LITTLE ROCK MUNICIPAL CODE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held. Alderman Thomas asked if any of the council members had read the ordinance. A public hearing will be held on Monday, September 24, 2007, at 7:05 p.m.

O-07-89 (ORDINANCE NO. 7986 - MAYOR HAYS)

AN ORDINANCE AMENDING THE 2007 BUDGET ORDINANCE NO. 7889 TO APPROPRIATE AN ADDITIONAL \$81,353.25 TO THE TRAFFIC SERVICES DEPARTMENT BUDGET (from Street Fund); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by

Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). Mr. Tim Marvin, Traffic Services Director said these bulbs would replace existing bulbs, resulting in an energy savings of approximately 90%. These bulbs have a 5 year guarantee and an anticipated life expectancy of 8 years. The ordinance was read a third and final time. On the motion of Alderman Bryant and seconded by Alderwoman Robinson, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-07-90 (ORDINANCE NO. 7987 - MAYOR HAYS, ALDERMEN WITCHER, HIGHT AND GAINES)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 4401 SOMERS AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-1 TO PLANNED USE DEVELOPMENT (PUD), TO ALLOW A CHURCH PARKING LOT, BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES, was read.

Mayor Witcher asked Mr. Voyles to describe a *Planned Use Development (PUD)*. Mr. Voyles said the property is zoned R-1 which is the most restrictive classification. The northern area was rezoned in the 1960's. Mr. Voyles then reviewed Section 2: items a - k. If the PUD is applied, the property owner would have to come back before the council if they wanted to build on the property or change the use. Alderman Parker asked if the restrictions could apply to the entire parking lot area. Residents are concerned that the church could build on the portion of the parking lot currently zoned C-3. Pastor Steven L. Kyle, Central Baptist Church spoke for the church and members who were present. He asked those who support the ordinance to stand (approximately 4/5 of audience stood). Church members have voted to remove the 4 houses in question. The church was founded in 1910 and has approximately 1,600 members. The church has been at 5200 Fairway Avenue since 1974. The additional parking area would provide relief for area residents by eliminating the need to park on the street and use the satellite site at Crestwood. The Planning Commission voted unanimously for the PUD. Mr. Barry R. Williams is the architect for the project. He reviewed the parking plan, lighting and landscaping plans, additional screening, etc. Alderman Bryant asked what would happen to the 4 house on the property. Pastor Kyle advised they will be sold and moved or razed after a decision is made regarding the zoning. Recently, he found evidence of a vagrant sleeping in the garage of one of the houses. Alderwoman Ross asked what would happen if the church is out of compliance. Mr. Voyles said the PUD could be removed. Pastor Kyle said the parking area would be used Sunday morning, evening and Wednesday evening. Mr. John Hooder lives on Valley Brook Drive. The concerns of the neighbors are not about a parking lot, but about what will happen next on church property. Residents are concerned the church will absorb the neighborhood. If a high rise structure is built on the C-3 property, he won't have a view. Nathan Brandes lives on Valley Brook Drive. Mr. Brandes referenced a zoning issue from 1992 involving the same parties. The church has 325 spaces. Mr. Bruce Dantzler lives on Somers Avenue and is opposed to changing the R-1 Classification. Mr. Dantzler distributed copies of an illustration of the

neighborhood and current zoning. He said their neighborhood is landlocked. The big issue is a lack of trust. He said Central Baptist Church bought the 4 houses and were going to keep them up. The houses are now eye sores. The council should be looking out for the residents of the neighborhood. Mr. Dantzler advised they have over 200 signatures on the petitions. Mr. Brandes advised he had given Ms. Becky Taylor in the Mayor's Office some of the petitions. Mrs. Linda Dantzler said they are concerned about it property being a PUD and the church being able to come back to the council to request different uses for the property. There are a lot of unanswered questions. Mr. Presley Melton lives on Lakewood Drive. He asked those who were present who live in Lakewood Northeast or Lakewood Heights who were opposed to the ordinance to stand. He then asked for those who were in favor of the PUD to stand. Mr. Alan Johnston lives on Somers Avenue. He has not lived there as long as some of those present, but he does have a financial investment in his property. This is effecting property values and the residential nature of the community. Mr. John Sims lives on Valley Brook. The parking lot backs up to his property and detracts his properties value. The lighting in the current lot illuminates 3 of the 4 bedrooms in his house and is invasive. After reviewing several items, Mr. Sims asked the council to not approve the PUD application. Ms. Faye Kirkwood has lived on Somers for 25 years and has seen a lot of changes in the neighborhood. Mrs. Jo Melton lives on Lakewood Drive and has seen changes in the area. Mrs. Melton attended a meeting the church held. She asked if they had considered multiple services. She said the removal of the 4 homes will be a waste. She asked the council to protect their neighborhood. At the request of Alderman Hight, the meeting was recessed at 9:35 p.m. and reconvened at 9:45 p.m. Mrs. Lynda Etheridge lives on Burrow Drive. She reviewed the timeline regarding this application. They have worked hard for their homes for themselves and their children. On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). Alderwoman Ross advised the city does not have an ordinance prohibiting parking cars on lawns. Therefore, church members could park on the property without it being made into a parking lot. The ordinance was read a second time. On the motion of Alderwoman Robinson and seconded by Alderman Gaines, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Mr. Herb Martin*).

PUBLIC COMMENTS-----

Mayor Witcher asked if there was anyone present who wished to comment.

There being no further business to come before the Council, and on the motion of Alderman Bryant and seconded by Alderwoman Robinson, and by consent of all members present, the meeting adjourned at 9:50 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, September 24, 2007, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS
ATTEST: DIANE WHITBEY, CITY CLERK